



# STATE OF INDIANA

MICHAEL R. PENCE, Governor

PUBLIC ACCESS COUNSELOR  
LUKE H. BRITT

Indiana Government Center South  
402 West Washington Street, Room W470  
Indianapolis, Indiana 46204-2745  
Telephone: (317)233-9435  
Fax: (317)233-3091  
1-800-228-6013  
[www.IN.gov/pac](http://www.IN.gov/pac)

March 17, 2015

Brian Keith Baxter  
Wabash Valley Correctional Facility  
P.O. Box 1111  
Carlisle, Indiana 47838

*Re: Formal Complaint 15-FC-60; Alleged Violation of the Access to Public Records Act by the Indianapolis Metropolitan Police Department*

Dear Mr. Baxter,

This advisory opinion is in response to your formal complaint alleging the Indianapolis Metropolitan Police Department ("IMPD") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* IMPD has responded to your request via Ms. Samantha DeWester, Esq. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on February 17, 2015.

## BACKGROUND

Your complaint dated February 10, 2015 alleges the Indianapolis Metropolitan Police Department violated the Access to Public Records Act by denying you access to requested information.

On February 4, 2015, you submitted a public records request to the IMPD requesting lab reports on items related to a case number. On February 4, 2015, IMPD rejected your request, informing you it had previously sent you the requested information in 2012 and would not be doing so again.

## ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. Indianapolis Metropolitan Police Department is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the

right to inspect and copy IMPD's public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14-3-3(a).

Here, IMPD contends it has already provided you with a copy of the requested records. Pursuant to Ind. Code § 5-14-3-8(e), an agency is only required to provide one copy of a record to a requester. Nothing in the APRA requires an agency to provide any additional copies of the same record to the requester, regardless of whether the requester misplaced the records. That being said, IMPD has offered to re-send the same records upon remittance of payment.

### **CONCLUSION**

For the foregoing reasons, it the Opinion of the Public Access Counselor the IMPD did not violate the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'LHB', with a long, sweeping underline.

Luke H. Britt  
Public Access Counselor

Cc: Ms. Samantha DeWester, Esq.